

JAN-06-2009 05:25

P. 06

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

2008 DEC -3 PM 3:18

JAMES C. BRANDENBURG, as Personal )  
Representative for the Estate of Yolanda M. Coney, )

Plaintiff, )

v. )

METROPOLITAN LIFE INSURANCE )  
COMPANY, )

Serve: Missouri Division of Insurance )  
301 West High St., Room 530 )  
Jefferson City, MO 65101 )

and )

OFFICE OF FEDERAL EMPLOYEES' )  
GROUP LIFE INSURANCE, )

Serve: Mr. Ray Vargas )  
2 Montgomery St. )  
Jersey City, NJ 07303 )

and )

UNITED STATES OFFICE OF PERSONNEL )  
MANAGEMENT, )

Serve: Manager in Charge )  
1900 E Street NW )  
Washington, D.C. 20415 )

and )

MANDA DAWN CREIGHTON, as Next Friend for )  
A. J. M., a minor, )

Serve: )  
Collinsville, IL 62234 )

Defendants. )

JOAN L. GILMER  
CIRCUIT CLERK

Case No. 08SL-CC05028

Division

14

JURY TRIAL DEMANDED

JAN-06-2009 05:25

P.07

41

JAN-06-2009 05:25

P.08

**PETITION FOR DECLARATORY JUDGMENT**

COMES NOW Plaintiff James C. Brandenburg, as Personal Representative for the Estate of Yolanda M. Coney, by and through his attorneys, and for his Petition for Declaratory Judgment states as follows:

1. Plaintiff James C. Brandenburg is an individual residing in St. Louis County, Missouri and the Personal Representative for the Estate of Yolanda Coney, which is a decedent's estate pending in the Probate Court of St. Louis County, Missouri bearing Cause No. 07PS-PR01614.
2. Defendant Metropolitan Life Insurance Company (hereinafter, "MetLife") is an insurance company that is authorized to conduct business in the State of Missouri.
3. Upon information and belief, Defendant Office of Federal Employees' Group Life Insurance (hereinafter, "FEGLI") is a unit of MetLife, which, administers and pays life insurance benefits to federal employees under the Federal Employees' Group Life Insurance Program.
4. Upon information and belief, Defendant United States Office of Personnel Management (hereinafter, "OPM") is a United States government entity which provides and administers life insurance benefits to federal employees under the Federal Employees' Group Life Insurance Program.
5. Upon information and belief, Defendant Manda Dawn Creighton is the natural mother and guardian of ~~Adrian James Masden~~, a minor.
6. The claim pleaded herein arises in St. Louis County. This Court has jurisdiction of this action by reason of RSMo. §§ 527.010 *et seq.*
7. Plaintiff seeks a judgment declaring that the Estate of Yolanda M. Coney is entitled to the life insurance benefits of Rozell William Masden under the life insurance policy provided and

JAN-06-2009 05:25

P.09

administered by Defendants MetLife, FEGLI and OPM.

8. At all relevant times, Rozell William Masden was a federal employee employed by the United States Postal Service.

9. Rozell William Masden married Decedent Yolanda Coney on 10/28/06. They remained married until their respective deaths.

10. Rozell William Masden died on 3/2/06.

11. At the time of his death, A [REDACTED] M [REDACTED] was the only child of Rozell William Masden.

12. Defendants MetLife, FEGLI and OPM, or each of them, issued and/or administered a life insurance policy for Rozell William Masden.

13. This policy provides, in relevant part:

"If the deceased did not assign ownership and there is no valid court order on file with the agency or OPM, as appropriate, then we will pay:

First, to the beneficiary(ies) the deceased validly designated;

Second, if none, to the deceased's widow or widower;

Third, if none of the above, to the deceased's child or children and descendants of any deceased children."

14. Upon information and belief, Rozell William Masden did not assign ownership of this life insurance policy.

15. Furthermore, upon information and belief, there is no valid court order on file with the agency or OPM regarding Rozell William Masden's life insurance policy with Defendants MetLife, FEGLI and OPM.

16. Furthermore, upon information and belief, Rozell William Masden did not designate:

JAN-06-2009 05:25

P. 10

any beneficiary(ies) with regard to his life insurance policy with Defendants MetLife, FEGLI and OPM.

17. Yolanda M. Coney was entitled to the proceeds of the aforesaid life insurance policy as the widow of Rozell William Masden and because she is now deceased, the aforesaid proceeds should pass to her estate.

18. On or about October 15, 2008, Plaintiff James C. Brandenburg, acting as Personal Representative of the Estate of Yolanda M. Coney, filed a claim with Defendant FEGLI for payment of the benefits under Rozell William Masden's life insurance policy with Defendants MetLife, Fegli and OPM.

19. As of the date of filing, Defendants MetLife, FEGLI and OPM have yet to tender payment of Rozell William Masden's life insurance policy benefits to the Estate of Yolanda M. Coney.

20. In light of the foregoing, a real and subsisting controversy exists between the parties hereto concerning payment of the benefits under the life insurance policy of Rozell William Masden.

21. Plaintiff James C. Brandenburg, Personal Representative of the Estate of Yolanda M. Coney, has no adequate alternate remedy.

WHEREFORE, Plaintiff James C. Brandenburg, acting in his capacity as the Personal Representative of the Estate of Yolanda M. Coney, prays that this Court enter a declaratory judgment stating that the Estate of Yolanda M. Coney is entitled to the benefits of the life insurance policy of Rozell William Masden and ordering Defendants MetLife, FEGLI and/or OPM to distribute the benefits of this life insurance policy to the Estate of Yolanda M. Coney. Plaintiff further requests that he be awarded his attorneys, fees, costs, interest and such other and

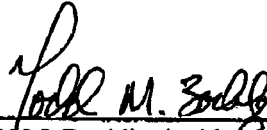
JAN-06-2009 05:26

P.11

further relies as this Court deems just and proper.

Respectfully Submitted,

TODD M. BOEHLJE, P.C.

A handwritten signature in black ink, appearing to read "Todd M. Boehlje", is written over a horizontal line.

Todd M. Boehlje, #45639  
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